

Date of Decision: 13th September 1995

SPECIAL CIVIL APPLICATION NO. 7716 of 1991

FOR APPROVAL AND SIGNATURE

THE HONOURABLE MR. JUSTICE A.N. DIVECHA

1. Whether Reporters of Local Papers may be allowed to see the judgment? NO
2. To be referred to the Reporter or not?
No
3. Whether their Lordships wish to see the fair copy of judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

Shri V.H. Desai, Advocate, for the Petitioner

Shri K.C. Shah, Asst. Govt. Pleader, for Respondents Nos. 1 & 2

Respondent No.3 served

CORAM: A.N. DIVECHA, J.
(Date: 13th September 1995)

ORAL JUDGMENT

The order passed by the Collector of Rajkot (Respondent No.2 herein) on 19th August 1991 under sec. 38(2) of the Gujarat Municipalities Act, 1963 as affirmed in appeal by the order passed by the Director of Municipalities at Ahmedabad (Respondent No.1 herein) on 5th October 1991 in Appeal No. 34 of 1991 is under challenge in this petition under Art. 226 of the Constitution of India. By his impugned order, respondent No.2 removed the petitioner as a Member of the Municipality of

Morbi (Respondent No.3 herein).

2. It appears that the petitioner was elected as a Municipal Councillor some time in 1986 or 1987. It appears that his term as Municipal Councillor might have expired in 1991 or 1992. In that view of the matter, no useful purpose will be served by examining the merits of this petition at this stage. It deserves to be disposed of as having become infructuous by passage of time.

3. In the result, this petition fails on account of its having become infructuous by passage of time. It is therefore rejected. Rule is accordingly discharged with no order as to costs.
